



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



Biweekly Report - Period Ending July 6, 1996

CNS v. DOC—GSBCA 12799-C

The Board denied all \$12,000 in "in-house" expenses claimed by CNS. We had earlier disputed the amounts because virtually all the protest documentation was under a protective order, and thus inaccessible to in-house personnel; because it was impossible to separate the expenses related to the related unsuccessful CNS protests, for which no reimbursement was due; because the many hours claimed spent by the company's president in copying, faxing, and mailing documents were more appropriately done by a lower paid worker; and because the salary of the president and his contracts manager were already being reimbursed by the Government under various cost contracts as overhead. The Board based its decision to deny all reimbursement on CNS's inability to present any documentation of the claimed hours or other expenses. Jeff Hughes had the case.

Windsor Enterprises v. DOC—GAO No. B-272227

The NWS has requested that the IFB for weather observation services be canceled as services will not be required past October, 1996, when GAO's decision is expected. We therefore informed GAO of this decision and requested that the bid protest be dismissed. The protes-

tor has filed comments on the Government's request asking GAO not to dismiss the protest, but to rule on the issue of whether the low bidder's bid is materially unbalanced. Lisa Obayashi has the case.

Data Capture System (DCS) 2000 Parallel Review

A draft of the Request for Proposals was released for public comment on June 21. The Inspector General has raised several questions with regard to the procurement, including whether it should be on a cost reimbursement basis rather than fixed cost, and these concerns are being addressed. Award is now projected for March, 1997. In addition, Fred Kopatich is continuing to work with the Census Bureau to resolve a potential subcontractor's request that any conflict of interest with its work on the 1995 Pretest be waived so that it can team with a contractor on DCS 2000. The attorney for the subcontractor has now informed us it is considering court action if the request is denied.

Appeal of GraphicData—GPO BCA No. 35-94

In view of the Judge's decision on the parties' summary judgment motions, Mark Langstein met with PTO and agreed on a negotiating position in an effort to reach a settlement.

IBM Antitrust Settlement

Jeff Hughes coordinated the response to an IBM discovery request arising out of IBM's effort to set aside a 1956 consent decree. Five boxes of responsive materials were submitted to DOJ, mostly from Census. The Department of Justice has advised us that, thanks in part to the work of Departmental and Census personnel in responding to IBM's discovery in this case, IBM has settled for a sunset provision on the restrictive portions of its 1956 antitrust consent decree, rather than an immediate end. The portion relating to mid-range computers will end in July 2000, while the portion of the decree relating to main frame computers will end in July 2001.

NESDIS ADP Procurement—Central Satellite Data Processing

Mark Langstein and Catherine Shea attending oral proposals in this large procurement of ADP for NOAA's NESDIS operations. Thus far, we have attended half of the presentations, which have been informative from both substantive and procedural standpoints.

Actions Completed/Received during Period

	From 6/23/96	To 7/6/96
	Received	Completed
NIST	5	8
NOAA	9	5
O/S	2	1
PTO	4	4
Total	20	18

Contract Law Division—Client Workload Period Ending 07/06/96

